

5. A copy of Extreme's "Objections to SNMP Research, Inc.'s Second Set of Requests for the Production of Documents" is attached as Exhibit B.

6. No substantive responses were provided and no documents were produced.

7. One specific request made to Extreme was for an unredacted copy of a letter between Broadcom and Extreme which had previously been shared with Plaintiffs in redacted form.

8. A true copy of the letter is attached as Exhibit C.

9. Plaintiffs and Extreme held a meet and confer with regard to Defendants' objections to SNMP Research's Second RFPs on April 9, 2021. During the meet and confer, Extreme's counsel stated that counsel had not reviewed the letter in question to determine whether attorney-client privilege might apply.

10. The parties were unable to resolve the dispute as to the propriety of Extreme's "General Objections" to the Second RFPs, therefore, they decided to focus on attempting to resolve the "Specific Objections." While the parties were able to compromise on most of Extreme's "Specific Objections" to Plaintiff's Second RFPs during the meet and confer, two issues remain unresolved: Extreme's objection to the definition of "SNMP Research Software" for purposes of the Second RFPs and Extreme's position that they need not participate in written discovery until the Motion to Stay (Dkt. 47) is decided. *See Exhibit D*, e-mail from J. Feirman to J. Wood dated April 30, 2021 ("the below should not be interpreted as agreement that discovery should take place *or as a commitment to search for or collect documents at this time.*") (emphasis added).

11. In an October 2, 2018 email from Jennifer Sipes to myself, Ms. Sipes identified the specific version of SNMP Research Software used, and her email included the SNMP Research copyright notice that is in the software. *See Exhibit E*.

12. In a February 27, 2020 email from Tara Flanagan to myself, Ms. Flanagan identified the SNMP Research Software for which Extreme needs a license and specifically referenced the Brocade license. *See Exhibit F.*

13. In a June 11, 2020 email from Paul Segalini to myself, Mr. Segalini confirmed that the products using SNMP Research Software under the license transferred from Enterasys went end of support (i.e., no longer in use) in July 2011, and the only SNMP Research Software in use at Extreme is in the Brocade products. *See Exhibit G.*

14. As of this date, Extreme has yet to provide Plaintiffs with a single document or any substantive responses to discovery.

15. Extreme maintains that discovery should not take place, and that it will not commit to search for or collect documents at this time.

Executed this 19th day of May, 2021, at Knoxville, Tennessee.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ John L. Wood
John L. Wood